

# Notice of Allowability

Application No.

09/643,021

Examiner

Daniel L. Greene

Applicant(s)

WALLACE ET AL.

Art Unit

3621

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2/7/2005.
2. ☒ The allowed claim(s) is/are 1-35.
3. ☒ The drawings filed on 21 August 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 2/7/2005
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

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## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments, see REMARKS/ARGUMENTS, filed 2/7/2005, with respect to October 13, 2004 Office Action have been fully considered and are persuasive. The rejection of claims 1-35 has been withdrawn.

### ***Allowable Subject Matter***

The following is an examiner's statement of reasons for allowance:

As per claims 1, 25, and 27 the closest prior art of record, Millard, U.S. Patent Publication 2002/007335 A1, taken either individually or in combination with other prior art of record fails to teach or suggest providing a customer access to an on-line brokerage account with restrictions, prior to successfully completing a review of the account information provided by the customer, and then removing the restrictions after a successful review of such information.

Millard teaches a system, which provides a network where members can exchange financial information, and negotiate and settle securities transactions. Millard, *Abstract*. Millard provides a method where members can provide information as part of a membership sign-up process. Millard- para.137-138. This membership sign-up process, provides for different types of membership such as "Associate" "Qualified" or "Institutional". Millard-para.143. While different types of memberships will have access to different features of this system, the Millard system does not provide for restricted accounts, where the restriction are removed following a successful review of the information provided by a user for initially opening an account.

Millard's method is that a user can sign up and then they will have access to the system. This sign up procedure requires providing a certain minimum amount of information, and additionally, the system appears to provide an option where a user can provide credit card information in conjunction with signing up for access to the network. Millard- para. 137-142. However, Millard provides no discussion related to having a user supply account information, and then based on this account information opening an on-line brokerage account which is restricted, and then removing the restriction following a successful review of the account information.

Indeed in Millard the user can change membership status, but the user must take some action to change membership level. See e.g. Millard-para. 125.

The Office Action cites three references (U.S. Patent Nos. 5,103,476', 6,021,492, and 6,216,112 B1) as showing systems or methods of providing products /services on a trial-basis for a limited time, and then terminating the trial use if the user has not paid within the limited time period. This operation is fundamentally different in terms of its operation, and objective.

As recited by the present claims, a restricted account is opened for a customer, and the restriction is lifted only after a successful review of account information. Fundamentally the approach of the trial use of software is based, not on expediting the delivery of services, but rather it is for providing a test drive of a product. The trial use appears to ultimately require some type of payment or action by the user to convert the trial use to a non-trial use. The present invention requires no further action by the user;

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rather the restrictions are lifted after a successful review of the account information provided by the user.

Magary. US Patent Publication 2001/0056387 A1. Magary discloses a system for providing financial information to clients. The financial information can be information such as transaction data. Magary, *Abstract*. According to regulatory requirements the client must consent to receiving such financial data electronically. Magary-para. 18. Magary provides for obtaining and storing these consents. Magary, *Abstract*. Magary does not, however, provide for, or relate to opening an on-line brokerage account with restrictions, and then removing the restrictions after certain events have occurred. There is nothing in Magary that would suggest expeditiously providing a customer access to an on-line brokerage account, as a restricted account, and then removing the restrictions, after the information has been successfully reviewed.

1. Claims 5, 7, 9, 17, 18, 26, and 28-35 are respectively dependent upon Claims 1, 25, and 27 and thus have all the limitations of claims 1, 25, and 27 and are allowable for that reason.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. THE COMPLETE GUIDE TO INVESTING WITH YOUR PC,(online investment resource)(includes related articles on the quality of INternet stock tips, and avoiding investment scams)(Internet/Web/Online Service Information) Gerlach, Douglas, PC World, Volume:16, Number: 5, Page: 149(8), May 1998.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel L. Greene whose telephone number is 703-306-5539. The examiner can normally be reached on M-Thur. 8am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell can be reached on 703-305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

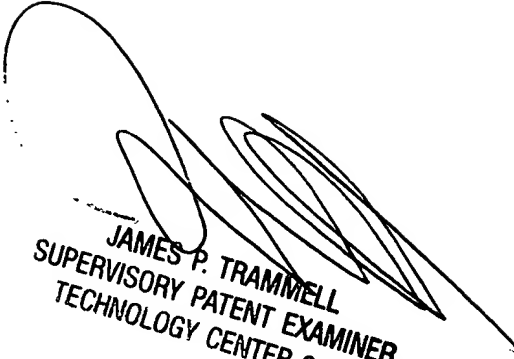
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2/23/2005



JAMES P. TRAMMELL  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600